

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Cri.MC.No. 4903 of 2015

S.C.NO.40/2014 of SESSIONS COURT, MANJERI

CRIME NO. 1718/2012 OF PERINTHALMANNA POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED :

1. FAHAD, AGED 26 YEARS,
S/O.MUHAMMEDALI, NECHYIL (H), MANATHUMANGALAM,
PERINTHALMANNA, MALAPPURAM DISTRICT.
2. MUHAMMED MUSTHAQ, AGED 26 YEARS,
S/O.HAMSA, PULIMUGHATHODI (H), CHEERATTAMANNA,
PERINTHALMANNA, MALAPPURAM DISTRICT.
3. MUHAMMED ASHIQUE, AGED 23 YEARS,
S/O.ASHARAF, PACHEERI (H), OOTTY ROAD,
NEAR VENUS LODGE, PERINTHALMANNA, MALAPPURAM DISTRICT.
4. MUHAMMED ANAS, AGED 21 YEARS,
S/O.HAMEED, ALIKKAPPARAMBIL (H), BIG BAZAR,
PERINTHALMANNA, MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S)/RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031,
(THROUGH STATION HOUSE OFFICER,
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT).
2. MUHAMMED FAZIL, AGED 19 YEARS,
S/O.ASHARAF, ALIKKAL (H), J.M.ROAD,
PERINTHALMANNA, MALAPPURAM DISTRICT- 679 026.

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.MANSOOR.B.H.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO.1718/2012
OF PERINTHALMANNA POLICE STATION.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

Crl.M.C.No.4903 Of 2015

Dated this the 3rd day of August, 2015.

ORDER

The petitioners herein are accused Nos.1 to 4 in the impugned Anx-A final report/charge sheet filed in Crime No.1718/2012 of Perinthalmanna Police Station, which is now pending as S.C.No.40/2014 on the file of the Sessions Court, Manjeri, for the alleged offences punishable under Secs.341 & 323 r/w 34 of the IPC. The prosecution allegation is that the accused persons wrongfully restrained the defacto complainant (2nd respondent) and beat him with hands and kicked with legs and thereby committed the offences. It is now submitted that the matter has been settled between the petitioners and the defacto complainant (2nd respondent) and that the defacto complainant has sworn to affidavit dated 29.7.2015 in this Crl.M.C, stating that the matter has been settled and he does not have any subsisting grievance against the petitioners and that he has no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the prayer for

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quashment of the impugned criminal proceedings has been made by the petitioners in the instant Crl.M.C.

2. In a catena of decisions, the Apex Court has held that, in appropriate cases involving even non-compoundable offences, the High Court can quash prosecution by exercise of the powers under Sec.482 of the Cr.P.C., if the parties have really settled the whole dispute or if the continuance of the prosecution will not serve any purpose. Here, this Court finds a real case of settlement between the parties and it is also found that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court. On a perusal of the petition and on a close scrutiny of the investigation materials on record and the affidavit of settlement and taking into account the attendant facts and circumstances of this case, this Court is of the considered opinion that the legal principles laid down by the Apex Court in the cases as in *Gian Singh v. State of Punjab* reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC 303 and *Narinder Singh and others v. State of Punjab and anr.* reported in (2014) 6 SCC 466, more

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particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A final report/charge sheet filed in Crime No.1718/2012 of Perinthalmanna Police Station, which is now pending as S.C.No.40/2014 on the file of the Sessions Court, Manjeri, and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-